

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEADFAST INSURANCE COMPANY,

Plaintiff,

v.

PORTSMOUTH JV,

Defendant.

**USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 09/10/2021**

20-CV-8615 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

For the reasons stated on the record at yesterday's conference, Steadfast's motion to dismiss, Dkt. 16, is GRANTED with respect to PJV's pursuit of attorneys' fees pursuant to *Mighty Midgets, Inc. v. Centennial Ins. Co.*, 47 N.Y.2d 12 (1979), and DENIED with respect to PJV's counterclaim alleging bad faith.

As proposed by the parties in their status report of September 2, 2021, *see* Dkt. 49, Steadfast's answer to PJV's counterclaim is due on September 24, 2021. Within fourteen days of service of the answer, the parties are to meet and confer and file a status update regarding whether any additional discovery is needed and proposing a schedule for such discovery. In the status letter, the parties should also indicate whether the Court can be of assistance with settlement, whether by way of a referral to Magistrate Judge Freeman for a settlement conference or to the District's mediation program.

The Court further adopts the briefing schedule proposed by the parties with respect to PJV's motion for summary judgment: Steadfast's opposition is due September 27, 2021, and PJV's reply is due October 11, 2021. To the extent the parties wish to adjust that schedule in light of the Court's ruling on the motion to dismiss, they may of course file a letter proposing a new schedule for briefs and/or cross-motions.

The Clerk of Court is directed to terminate the motion pending at Dkt. 16.

SO ORDERED.

Dated: September 10, 2021  
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

RONNIE ABRAMS  
United States District Judge